@#@#@#@#@#@#@

THE HONOURABLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9541 OF 2005

DATED:19-09-2005

Between:

Godi Ravi Kumar

..... PETITIONER

AND

1. The District Collector, East Godavari

at Kakinada and 3 others.

.....RESPONDENTS

@#@#@#@#@#@#@

THE HONOURABLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9541 OF 2005

-

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The writ petitioner was appointed as a fair price shop dealer of Shop No.20 of Gaddanapalli village of Katrenikona Mandal, East Godavari District, in the year 1998. While so, the authorization of the petitioner was cancelled by the third respondent-Revenue Divisional Officer by proceedings dated 05-06-2003 on an allegation that he has misused the essential commodities meant for public distribution.

It appears that the Civil Supplies Deputy Tahsildar, Mummidivaram, submitted a report stating that the petitioner was selling the essential commodities at higher prices and that there were also variations in the stocks available in the fair price shop. In pursuance thereof, a show cause notice was issued to the writ petitioner, and after considering the explanation, the authorization was cancelled by proceedings dated 05-06-2003. Questioning the same, the petitioner preferred an appeal before the second respondent-Joint Collector which was dismissed by an order dated 13-08-2004. Challenging the said order, the petitioner preferred a revision before the first respondent-District Collector which also ended in dismissal by an order dated 08-04-2005. Aggrieved by the said action of the respondents, this writ petition is filed.

The learned counsel for the petitioner primarily contended that the orders of both the respondents 1 and 2 are arbitrary and illegal since they failed to consider any one of the grounds raised by the writ petitioner and the orders were passed merely confirming the findings recorded by the third respondent-Revenue Divisional Officer.

On a perusal of the orders of both the respondents 1 and 2, it is clear that except extracting the charges against the petitioner as well as his explanation and the remarks of the third respondent-Revenue Divisional Officer, the respondents 1 and 2 did not assign any reasons in support of their

conclusions. Apparently, the said orders were passed without application of mind to the allegations made against the petitioner as well as the explanation offered by him. Such cryptic orders passed by the statutory authorities, while considering the statutory appeal as well as revision, cannot be sustained. The law is well settled that failure of a quasi judicial authority to assign reasons is a valid ground for exercising judicial review since such order undoubtedly results in violation of principles of natural justice. In the circumstances, on that ground alone the writ petition has to be allowed.

Accordingly, the orders of the respondents 1 and 2 are set aside and the matter is remitted back to the second respondent-Joint Collector for consideration of the appeal of the writ petitioner afresh and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. Till such orders are passed, there shall be a direction to the respondents not to make any appointment of permanent dealer in respect of the shop in question.

The writ petition is accordingly allowed. No order as to costs.

_____

19th September, 2005

SKM